MST

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1135 OF 2006

Shaikh Altaf Abdul Rahim Petitioner
versus
Prabhakar Shivram Lavand & anr. Respondents

Mr.Haridas i/by P.N.Joshi for petitioner.
Mr.Dilip Bodake for respondents 1 to 3.

CORAM : A.S.OKA, J.

DATE : 25th June 2007

PC :

1. Heard learned advocate for the petitioner. An application was made at Exhibit-44 by the petitioner under Order I, Rule 10(2) of the Code of Civil Procedure, 1908 praying for impleadment as a party to the suit filed by the first to third respondents. The petitioner claims to be the owner of the suit property and he claims to be in possession. The case made out by the petitioner that he is not intentionally impleaded as a party and the parties to the suit are planning to compromise the suit behind his back.

2. The learned Trial Judge rejected the said

MST

application by holding that the petitioner is neither a necessary nor a proper party. The suit filed by the original plaintiffs is simplicitor for perpetual injunction. It is obvious that the petitioner will not be bound by any order or decree which may be passed in the suit filed by the respondent nos.1 to 3.

3. Subject to what is stated above, no fault can be found with the impugned order. Writ Petition is accordingly rejected.

(A.S.OKA, J.)